

**BOARD OF SUPERVISORS MEETING  
TUESDAY, FEBRUARY 18, 2020  
6:00 P.M.**

The Appomattox County Board of Supervisors held a scheduled meeting on Tuesday, February 18, 2020 at 6:00 p.m. in the Board of Supervisors meeting room located at 171 Price Lane, Appomattox, Virginia.

**Appomattox County Board of Supervisors**

**Present:**

Watkins M. Abbitt	Piney Mountain District
Samuel E. Carter	Courthouse District
John F. Hinkle	Falling River District
Trevor L. Hipps	Wreck Island District
William H. Hogan	Appomattox River District

**Also Present:**

Susan M. Adams, County Administrator  
Tom Lacheney, County Attorney  
John Spencer, Information Systems Manager/Purchasing Agent  
Wanda McCormick, Administrative Assistant/Accounts Payable Clerk

**WORK SESSION**

Chairman Carter, called the Work Session to order at 6:03 p.m.

Mr. Tom Lacheney, County Attorney provided an overview of the Freedom Of Information Act (FOIA).

**CALL TO ORDER** – Chairman Carter called the meeting to order at 6:31 p.m.

**Handicap Accessibility Statement** – Susan M. Adams, County Administrator

**Pledge of Allegiance**

**Invocation** – Mr. Hinkle

**Setting of Agenda**

Motion made by Mr. Hogan, seconded by Mr. Hinkle and carried with all other members present, voting yes to approve the agenda as presented.

**CITIZEN PUBLIC COMMENT PERIOD**

Ms. Karen Angulo of Concord, Virginia addressed the Board and thanked Board members who attended the Republican Committee meeting and requested that the Board reconsider adopting a Code of Ethics policy and apply to all Boards and Commissions.

Mr. Terry Trent of 2608 Reedy Spring Road addressed the Board concerning the speed limit on Reedy Spring Road. He asked the Board for help in obtaining a speed limit of 35 mph for this road.

Mr. Jeff Brown of 165 Bridge Lane addressed the Board in support of forming a militia in the County.

## **APPEARANCES**

Mr. Andrew LaGala, Airport Director addressed the Board concerning the County joining the Regional Airport Authority.

Mr. Hagg with Seiontec Systems addressed Board concerning his services of InfinaSky internet within the County.

Mr. Frank Poynter & Mr. Charles Haney with the Electoral Board addressed the Board to request additional funds of \$17,000.00 for a third election. Mr. Haney stated that the new Registrar will start around May 1<sup>st</sup> to work with the current Registrar before her retirement on June 30<sup>th</sup>, additional funds of \$8,209.00 will be required. Mr. Haney stated a new policy was adopted by the State Election Organization to overcome security issues in elections, which requires all members of the Board of Elections to have office email addresses in order to access the training before March 1, 2020.

The Board took no action on the Electoral Board's request.

## **PUBLIC HEARINGS (7:00 P.M.)**

At 7:21 p.m. after due notice was given, Chairman Carter called the Public Hearing to order and stated that CUP190852-William and Mary Jane Alvis (property owner), Verizon Wireless/Jeff Holland (applicant/agent), has requested a Conditional Use Permit to locate a 199 foot tall wireless communication facility (WCF) on property located off Trinity Road (Route 611), near the intersection of Vineyard Road in the Stonewall area. The parcel totals approximately 75 acres and is identified as Tax Map Identification Number 24 (A) 19. The WCF lease area (approximately 10,000 sf) will be located approximately 1,000 feet south of Trinity Road. The property is zoned A-1, Agricultural Zoning District and is designated as Rural Preservation Area (RPA) by the Comprehensive Plan.

Mr. Troy Nelson of 231 Trinity Road addressed the Board with his concerns that the wireless tower will be located directly in front of his property. Mr. Nelson would like it to be less visible to his residence.

Mark Kronenthal with Roth & Jackson Attorneys, on behalf of Verizon, addressed the Board about the location of the wireless tower. Due to threshold access requirements, the tower cannot be located at a different location on the property.

Hearing no further public comments, the Public Hearing closed.

After due notice was given, Chairman Carter called the Public Hearing to order and stated Comprehensive Plan Amendment: The 2016 Comprehensive Plan, Chapter 3- Growth

Management, amend to add a general statement regarding the development of renewable energy resources, such as property sited utility-scale solar energy farms and wind energy facilities. Generally, these facilities would be best situated in agricultural or industrial zoned areas as a conditional use and guided by the Future Land Use Map designations of Commercial, Industrial, or Primary Growth Area. Approval of such facilities would be considered on a case by case basis with the following guiding factors: (1) Scope & Scale of the project, (2) Proximity to other electrical facilities, (3) Proximity to population centers, (4) Proximity to industry/business, (5) Proximity to other public infrastructure and (6) Proximity to historic or cultural amenities.

There being no public comments, the Public Hearing closed.

After due notice was given, Chairman Carter called the Public Hearing to order and stated Zoning Ordinance Amendments - A summary of the amendments are as follows:

Article I, Administration, Section 19.6-12-Definitions, approximately twenty (20) existing terms are proposed to be amended for clarity. Additionally, approximately one hundred seventy-seven (177) new terms are proposed to be added to this section. The new terms will add word clarity and usage definitions, along with defining certain previously omitted land uses.

Article VII, District Regulations, Section 19.6-67 A-1, Agricultural Zoning District through Section 19.6-74-Planned Industrial District, certain land use categories are proposed to be amended to add Small Scale or Residential Solar Energy Farm and Utility Scale Solar Energy Farm to certain districts as either a permitted use or conditional use.

Article VIII, Additional Regulations, Section 19.6-86 Recreational Vehicles is proposed to be amended to clarify the placement and usage of recreational vehicles in all zoning districts.

Article VIII, Additional Regulations, Section 19.6-97, et seq, Utility-Scale Solar Energy Farms, is proposed to be added to provide requirements for the siting, development, construction, installation, operation and decommissioning of utility-scale solar energy facilities.

Ms. Karen Angulo of Concord Virginia addressed the Board. She has concerns with the new terms and definitions added to the Zoning Ordinance and what would be the impact of the changes made by the Planning Commission. Ms. Angulo requested that the Board postpone acting on the Zoning Ordinance Amendments and have the Planning Commission discuss why the changes are necessary and give the citizens a comment period.

Hearing no further public comments, the Public Hearing closed.

## **ACTION ITEMS**

### **Consideration of CUP190852\_William & Mary Alvis**

Motion made by Mr. Abbitt, seconded by Mr. Hogan to approve the petition recommendation of the Planning Commission. Chairman Carter called for a roll call vote: Mr. Hogan-yes; Mr. Abbitt-yes; Mr. Hipps-yes; Mr. Hinkle-yes; Mr. Carter-yes.

### **Consideration of Amendment to the Comprehensive Plan**

Motion made by Mr. Hogan, seconded by Mr. Abbitt to adopt the resolution in accordance with the recommendation of the Planning Commission. Chairman Carter called for a roll call vote: Mr. Hogan-yes; Mr. Abbitt-yes; Mr. Hipps-yes; Mr. Hinkle-yes; Mr. Carter-yes.

### **Consideration of Zoning Ordinance Amendments**

Motion made by Mr. Abbitt, seconded by Mr. Hinkle to defer consideration of zoning ordinance amendments to next meeting in order to obtain clarification on the definitions from the Planning Commission. Chairman Carter called for a roll call vote: Mr. Hogan-yes; Mr. Abbitt-yes; Mr. Hipps-yes; Mr. Hinkle-yes; Mr. Carter-yes.

### **Appointment of Zoning Administrator & Subdivision Agent**

Motion made by Mr. Hinkle, seconded by Mr. Hipps to appoint John Spencer as the County's Zoning Administrator and Subdivision Agent. Chairman Carter called for a roll call vote: Mr. Hogan-yes; Mr. Abbitt-yes; Mr. Hipps-yes; Mr. Hinkle-yes; Mr. Carter-yes.

### **Solar Legislation Lobbying**

Motion made by Mr. Abbitt, seconded by Mr. Hinkle to donate \$2,500.00 for solar legislation lobbying. Chairman Carter called for a roll call vote: Mr. Hogan-yes; Mr. Abbitt-yes; Mr. Hipps-yes; Mr. Hinkle-yes; Mr. Carter-yes.

### **Letter of Request from Appomattox Town Manager**

No Board action taken.

## **COMMITTEE APPOINTMENTS**

### **Board of Building Code Appeals Appointments**

Motion made by Mr. Hogan, seconded by Chairman Carter and carried with all other members present and voting yes to reappoint Mr. Blair Smith, Mr. Samuel Webber and Mr. Joseph Sayers to the Board of Building Code Appeals with terms ending December 31, 2022

## **CONSENT AGENDA**

### **Invoices Submitted For Payment**

Please review the attached invoices and approve for payment:

January 23, 2020	\$2,284.75
February 5, 2020	\$56,956.98
February 14, 2020 - CSA	\$172,694.04
February 18, 2020	\$338,479.43
<b>TOTAL:</b>	<b>\$570,415.20</b>

**Staff Recommendation: Please review and consider approval of the attached invoices for payment.**

### **Minutes**

Please review the following DRAFT minutes for approval:  
Tuesday, January 21, 2020, Scheduled Meeting

**Board of Supervisors**

Please supplement by consent and appropriate the following:

1101-5504	Travel	<b>\$314.83</b>
	(Convention/Educ/Training)	

RE: Reimbursement received from Mr. Abbitt for room charges that were inadvertently charged by the hotel to the wrong credit card.

**Staff Recommendation: No new local funds are required.**

**J. Robert Jamerson Memorial Library**

Please supplement by consent and appropriate the following:

7301-5411	Books	\$141.74
7301-5401	Office Supplies	\$540.00
7301-5415	Summer Reading	\$161.00
	<b>TOTAL:</b>	<b>\$842.74</b>

**Staff Recommendation: No new local funds are required.**

**Department of Social Services**

Please supplement by consent and appropriate the following:

5301-2002	VRS	\$11,891.50
5301-2006	Group Life	\$911.77
5301-2002	ICMA-RC	\$1,380.45
	<b>TOTAL:</b>	<b>\$14,183.72</b>

RE: Reimbursement for January, 2020 payroll deductions.

**Staff Recommendation: No new local funds are required.**

**Circuit Court - Law Library**

Please transfer by consent from the Law Library Fund to the General Fund and supplement the following:

2101-5804	Law Library	<b>\$1,671.36</b>
-----------	-------------	-------------------

RE: Purchase of law books by the Circuit Court Clerk for the Law Library.

**Staff Recommendation: Transfer requested funds from the Law Library to the General Fund and supplement by consent to 2101-5804.**

**Commissioner of Revenue Refund Requests**

Mrs. Sara Henderson, Commissioner of Revenue is requesting the following to be reimbursed in the amount of **\$561.69** from line item **1209-5803**.

1) Refund Denney Wayne Wright, \$561.69 for 1st half 2019 personal property taxes. He moved to Charlotte County in September, 2018.

**Staff Recommendation: Please consider the Commissioner of Revenue's refund request. A copy of the letter and explanation is attached for your review.**

**Commissioner of the Revenue**

Please supplement by consent and appropriate the following:

1209-5803	Refunds	<b>\$561.69</b>
-----------	---------	-----------------

RE: Tax refunds issued by the Commissioner of the Revenue.

**Staff Recommendation: No new local funds are required.**

### **Sheriff's Department**

Please supplement by consent and appropriate the following:

3102-1002	Overtime	\$1,671.26
3102-5408	Vehicle Power Equip. Supplies	\$2,543.65
	<b>TOTAL:</b>	<b>\$4,214.91</b>

RE: Reimbursement for security performed by one deputy at the Middle School (\$101.00) and School Board (\$1,570.26); Reimbursement from VACORP for repairs to 2018 Dodge Charger (\$2,543.65).

### **Carver Price HVAC Reserve Fund**

Please transfer by consent from the Carver Price HVAC Reserve Fund to the General Fund and supplement by consent the following:

4302-3004	Repairs/Maintenance	<b>\$23,839.80</b>
-----------	---------------------	--------------------

RE: Purchase of HVAC system for the Carver Price Museum.

**Staff Recommendation: Transfer requested funds from the Carver Price HVAC Reserve Fund to the General Fund and supplement \$23,839.80 to 4302-3004.**

### **Economic Development**

Please transfer by consent **\$25,000.00** from the General Fund to 8105-6007 Special Projects.

RE: COJANA annual tax incentive for the hotel construction.

**Staff Recommendation: Transfer the requested funds from the General Fund to 8105-6007 Special Projects.**

### **Courthouse Maintenance Fund**

Please transfer by consent from the Courthouse Maintenance Fund to the General Fund and supplement the following:

4302-3004	Repairs/Maintenance	<b>\$367.50</b>
-----------	---------------------	-----------------

RE: Installation of deadbolt locks to all courtroom doors.

**Staff Recommendation: Transfer requested funds from the Courthouse Maintenance Fund to the General Fund and supplement by consent to 4302-3004.**

Motion made by Mr. Abbitt, seconded by Mr. Hogan to approve the Consent Agenda.

Chairman Carter called for a roll call vote: Mr. Hogan-yes; Mr. Abbitt-yes; Mr. Hipps-yes; Mr. Hinkle-yes; Mr. Carter-yes.

Motion made by Mr. Abbitt, seconded by Mr. Hinkle to take out Item #27, 20-1464 School Supplemental Appropriation Request on the Consent Agenda to reconsider. Chairman Carter called for a roll call vote: Mr. Hogan-yes, Mr. Abbitt-yes, Mr. Hipps-yes; Mr. Hinkle-yes; Mr. Carter-yes.

### **School Supplemental Appropriation Request**

Motion made by Mr. Abbitt, seconded by Chairman Carter to transfer the reimbursement funds of \$21,676.45 to the School Capital Improvement Fund. Chairman Carter called for a roll call vote: Mr. Hogan-no; Mr. Abbitt-yes, Mr. Hipps-yes; Mr. Hinkle-yes; Mr. Carter-yes

## **ATTORNEY'S REPORT**

### **Amendment to Bylaws and Rules of Procedures**

Mr. Lacheney presented an amendment to the Bylaws and Rules of Procedures, as requested, that if a citizen spoke at a public hearing they could not speak at a subsequent public meeting, this wording has been removed.

Motion made by Mr. Hipps, seconded by Mr. Hinkle and carried with all other members present and voting yes to adopt the amendment to the Bylaws and Rules of Procedures.

## **ADMINISTRATOR'S REPORT**

Ms. Adams stated that a copy of working budget has been given to all Board members.

Joint meeting with School Board on February 25, 2020 @ 5:00 p.m., starting with meal in Culinary Arts Dept. and joint meeting at 6:00 p.m. in the Library. At 6:30 p.m. Board will meet at County Administration Office conference room for a budget work session with Department Heads.

Raiders championship team will be at next Board of Supervisors Meeting on March 16, 2020.

Commissioner of Revenue and Sheriff's Department has had staff turnover, they would like the Boards approval to use local funds appropriated to those positions, to make adjustments in current salaries, as well as, hiring for new positions. The Board allowed the discretionary adjustments with an understanding that there was not an increase in FY 2020 appropriated local funding.

Mrs. Vicky Phelps, Treasurer has reactivated DMV stops.

Blue Ridge Rock Festival – Public Safety is working with EMS, Fire Department, Virginia State Police, VDOT, Sheriff's Department, and Homeland Security to put traffic, safety and security plans in place.

## **REPORTS AND INFORMATIONAL ITEMS**

### **School - January, 2020 Financial Report**

Chairman Carter stated that attached for your review is the January, 2020 month-end financial report from Dr. Bennett, Division Superintendent and Bruce McMillian, Director of Finance.

### **Robert E. Lee Soil & Water Conservation District Board of Directors Meeting**

Chairman Carter stated attached for your review is a copy of the December 12, 2019 monthly Board of Directors meeting minutes from the Robert E. Lee Soil and Water Conservation District.

### **Central VA Electric Cooperative Correspondence**

Chairman Carter stated CVED is providing an update on the Firefly broadband fiber network. (See attached letter).

### **Appalachian Power's Central VA Transmission Reliability Project**

Chairman Carter stated attached for your review is a letter from Appalachian Power providing an update to the "Central Virginia Transmission Reliability Project." (See attached letter).

### **SUPERVISORS CONCERNS**

Mr. Hogan asked if CVEC is still running broadband internet to all of their customers.

Mr. Hinkle stated that he hoped that VDOT could support Mr. Trent's request.

### **CLOSED SESSION**

Mr. Lacheney, County Attorney read the following Resolution authorizing a Closed Meeting:

WHEREAS, the Board of Supervisors of Appomattox County desires to discuss in Closed Meeting the following matter(s):

- Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning public safety.
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning landfill.

WHEREAS, pursuant to: §2.2-3711(A)(1)(A)(7) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Appomattox County does hereby authorize discussion of the aforesated matters in Closed Meeting.

Motion made by Mr. Abbitt, seconded by Mr. Hogan and carried with all other members present and voting yes to enter into closed session at 8:23 p.m.

Mrs. Wanda McCormick read the following closed session certification at 9:15 p.m:  
To the best of your knowledge, were the only matters discussed in the closed meeting public business matters lawfully exempted from open meeting requirements, and that only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting. Mrs. McCormick called for a roll call vote: Mr. Hipps, yes; Mr. Abbitt, yes; Mr. Hogan, yes; Mr. Carter, yes; Mr. Hinkle, yes.

### **UPCOMING MEETINGS**

**Tuesday, February 25, 2020 @ 5:00 PM**

Budget Work Session w/School Board  
Appomattox County High School  
198 Evergreen Avenue, Appomattox, Virginia

**Tuesday, February 25, 2020 @ 6:30 PM**

Budget Work Session w/Department Heads



Administration Office Conference Room  
153A Morton Lane, Appomattox, Virginia  
**Monday, March 9, 2020 @ 6:00 PM**  
Budget Work Session w/Outside Agencies  
Administration Office Conference Room  
153A Morton Lane, Appomattox, Virginia

**Monday, March 16, 2020 @ 6:00 PM**  
Regular Scheduled Meeting  
Board of Supervisors Meeting Room  
171 Price Lane, Appomattox, Virginia

### **ADJORNMENT**

Motion made by Mr. Abbitt to adjourn the meeting at 9:16 p.m.

---

Samuel E. Carter, Chairman